MULTIMEDIA UNIVERSITY*

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2022/2023

BLC2014 – BUSINESS AND COMMERCIAL LAWS

(All sections/Groups)

12 JULY 2023
9.00 a.m – 11.00 a.m
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 3 pages with FOUR (4) questions only.

2. Attempt ALL FOUR questions. All questions carry equal marks and the distribution of the marks for each question is given.

3. Please write all your answers in the Answer Booklet provided.

QUESTION 1

(a) In January 2021, Mira and Lisa incorporated a company, Arima Sdn. Bhd. Both are the only shareholders of the company. The company deals with the buying and selling of kitchenware from London. Mira, who holds 80% of the issued shares, was appointed as the company's managing director. Considering the amount of money used to purchase the branded kitchen utensil and the freight cost, Mira bought insurance coverage for their shipment using her name from SAS Assurance. The goods were severely damaged when they arrived in Malaysia. Mira submitted her claim regarding the damaged product to SAS Assurance, and the insurance company refused to entertain her request.

Advise whether SAS Assurance may refuse the claim made by Mira.

(10 marks)

(b) Section 213(1) of the Companies Act 2016 provides that a director of a company is required to exercise his powers in good faith in the best interest of the company.

With reference to decided cases, discuss the duty of the director under section 213(1) of the Companies Act 2016.

(15 marks)

(Total: 25 marks)

QUESTION 2

(a) *'Nemo dat quod non habet'* means 'no one can give what they do not have'. This is commonly referred to as the Nemo Dat Rule.

Explain the above statement and discuss any **TWO (2)** exceptions to the principle of *nemo dat quad non habet rule.*

(10 marks)

Continued ...

(b) Andrew went to Universal Traveller, a shop situated in Shah Alam. He told a salesperson, 'Look, I'm going to London next winter, and I need a winter jacket for my wife and me. What have you got? The salesperson showed Andrew a few types of winter jackets. Meanwhile, a new customer entered the shop, and the salesperson went to greet them. Andrew then selected a puffer jacket manufactured by Xia Apparel Bhd. He then paid the cashier RM890.90. When he wore it during his trip, he suffered rashes and itching, especially on his neck and face.

Discuss whether Andrew has any right of action against the jacket manufacturer or the salesperson by referring to the Sale of Goods Act 1957.

(15 marks)

(Total: 25 marks)

QUESTION 3

(a) A cheque is a bill of exchange drawn on a banker payable on demand. Explain **FOUR (4)** types of cheques.

(10 marks)

(b) Romeo wants to purchase a new sewing machine from Singa Sdn Bhd on hire-purchase.

Describe briefly **FIVE (5)** of his rights as a hirer.

(15 marks)

(Total: 25 marks)

QUESTION 4

(a) Intellectual property is a product that has commercial value. It is an intangible property.

Briefly explain any **FOUR (4)** types of intellectual property.

(10 marks)

Continued ...

(b) Fara wishes to insure her homestay in Klebang with Megah Insurance Bhd. She contacted Clarence, an insurance agent and informed her that her house was used solely for accommodation purposes. The house was later destroyed in a fire, and Fara claimed to the insurance company. However, it was revealed that one part of the house was utilised as a car workshop.

Advise Megah Insurance Bhd. Support your answer with the relevant authorities.
(15 marks)

(Total: 25 marks)

End of Paper